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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

Irene Briseno, on her own behalf and as the  
personal representative of the estate of  
Damian Eryko Alvarado,

Plaintiff,

vs.

Nicolo Solarino (Tucson Police); Francisco  
Santa Maria (Tucson Police); Marco Durazo  
(Tucson Police); Sean Yeandle (Tucson  
Police); Henry Gamez (Tucson Police); Ryan  
Ake (Tucson Police); Joseph Gradias (Tucson  
Police); and Justin Canovali (private citizen),  
all in their individual capacities,

Defendants.

No. 4:22-cv-00132-RCC

**PROPOSED JOINT PRETRIAL  
ORDER**

(Assigned to Hon. Raner C. Collins)

Pursuant to the Court's Scheduling Order dated April 14, 2023 (Doc. 64), and the  
Court's Order dated May 12, 2025 (Doc. 138), the parties hereby submit the following  
Proposed Joint Pretrial Order, which reflects the agreements of the parties and shall, upon  
approval of the Court, be incorporated into the Final Pretrial Order.

**I. IDENTIFICATION OF PARTIES AND COUNSEL**

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Attorneys for Defendants

## **II. NATURE OF ACTION**

**Provide a concise statement of the type of case, including the cause of action and the relief sought.**

Plaintiff brings this suit on behalf of the estate of Damien Alvarado, under 42 U.S.C. § 1983, alleging the use of excessive force in violation of Damien Alvarado's Fourth Amendment rights against Defendant Tucson Police Department ("TPD") officers Nicolo Solarino, Sean Yeandle, Henry Gamez, Ryan Ake, and Joseph Gradias (hereafter "Defendants"). Plaintiff seeks compensatory and punitive damages.

## **III. STATEMENT OF JURISDICTION**

**State the claims and cite the statutes which gives this Court jurisdiction over each claim.**

Plaintiff's claims are for alleged violations of Damien Alvarado's Fourth Amendment rights under 42 U.S.C. § 1983, and this Court has jurisdiction pursuant to 28 U.S.C. § 1331.

## **IV. CONTENTIONS OF THE PARTIES**

**With respect to each count of the complaint, counterclaim or cross-claim, and to any defense, affirmative defense, or the rebuttal or a presumption where the burden of proof has shifted, the party having the burden of proof shall list the**

1 **elements or standards that must be proven in order for the party to prevail on**  
2 **that claim or defense.**

3 Plaintiff has the burden of proving that the acts of the defendants deprived Damien  
4 Alvarado of his Fourth Amendment rights and that deprivation was the cause of his  
5 death. Under the Fourth Amendment, a person has the right to be free from an  
6 unreasonable seizure of his person. In order to prove the Defendants deprived Damien  
7 Alvarado of this Fourth Amendment right, the plaintiff must prove the use of force  
8 the officers used was unreasonable or excessive.

9 Under the Fourth Amendment, a police officer may use only such force as is  
10 “objectively reasonable” under all of the circumstances. The reasonableness of a  
11 particular use of force must be determined from the perspective of a reasonable  
12 officer on the scene and not with the 20/20 vision of hindsight. The officers’  
13 subjective intent or motive is not relevant.

#### 14 **V. STIPULATIONS AND UNCONTESTED FACTS**

15 **Identify any stipulations reached between the parties and any facts that are**  
16 **uncontested.**

- 17 1. Defendants were acting within the scope of their employment as TPD police  
18 officers when the subject encounter occurred.
- 19 2. Around the same time as a car collision involving Damien Alvarado, a shooting  
20 took place approximately one mile away from the scene of the car collision. This  
21 shooting turned out to be a homicide, as the shooting victim died of his wounds.
- 22 3. Prior to having contact with Damien Alvarado, Solarino knew about the  
23 shooting/homicide incident and that the potentially armed suspect from that  
24 nearby incident fled.
- 25 4. When Solarino contacts Alvarado he gives multiple commands, and Alvarado is  
26 not complying. Instead, Alvarado continues to resist and struggle with Solarino.
- 27 5. Solarino’s Body Worn Camera (“BWC”) is turned off because the mechanism  
28 that activates it, and turns it off, was broken.

- 1           6. Solarino punched Alvarado multiple times in the face during the struggle to get
- 2           him under control and detained.
- 3           7. Solarino punched Alvarado because he was trying to get him to comply. This was
- 4           prior to the use of the taser and after Alvarado was taken down from the wall.
- 5           8. Solarino used his Taser after Alvarado was taken off the wall.
- 6           9. Solarino used his Taser because the level of force used had not been effective, and
- 7           the Taser was also not effective.
- 8           10. Before the first TARP device was applied, Alvarado was “essentially kicking his
- 9           feet, making statements to the effect he's going to fight officers, still flailing his
- 10          body around, things of that nature, all of which is conflicting with our
- 11          goal...which is to detain him and move on with the investigation.”
- 12          11. A TARP is “a nylon strap with a carabiner at one end and then a loop with kind
- 13          of a tension device at the other,” or a restraint used “to secure the person's ankles
- 14          to their hands so that they can't, you know, extend their legs.”
- 15          12. A TARP is used when there is “[e]ither a specific threat of kicking or a high level
- 16          of resistance or a likelihood of fleeing.”
- 17          13. The TARP was applied after Alvarado was in handcuffs “[b]ecause he was still
- 18          actively kicking and things of that sort, so we wanted to make sure he was secured
- 19          before we had med come in and check him out.”
- 20          14. A second TARP was properly applied to reduce full range of motion and keep it
- 21          secured to prevent escape.
- 22          15. More than ten minutes into Yeandle’s body-worn camera footage, Alvarado was
- 23          doing things described as “flailing about, moving his body, articulating things [to
- 24          officers] what he specifically wanted, [and] telling [officers] no.”
- 25          16. Ake applied the first spit sock.
- 26          17. Yeandle was enroute to the scene of the shooting when the call about the collision
- 27          came in and then the information about Solarino being in contact and fighting
- 28          with the person who fled the collision.

1 18. Yeandle never made it to the scene of the collision because Solarino had located  
2 the suspect who fled from the collision and was engaged in a fight with him in the  
3 alley in the area, and Yeandle responded to assist.

4 19. Ake was originally responding to the shooting call and was diverted to the call  
5 involving a car accident.

6 20. Ake did not make it to the car accident scene because he responded directly to  
7 assist Solarino.

8 21. Ake had information that the person Solarino was struggling with was the same  
9 person who fled from the car accident and information that the car crash was  
10 “potentially linked” to the shooting incident.

11 22. Ake switched to respond to the car crash scene “thinking it was related to the  
12 shooting,” and he believed Alvarado was the shooting suspect and the hit and run  
13 suspect.

14 23. When Yeandle arrives, he sees Solarino physically fighting with a suspect or  
15 “facing each other and struggling face to face,” and Yeandle attempts to help or  
16 assist Solarino with trying to gain control of Alvarado.

17 24. When Ake got to the scene, he could see Solarino “squared up” with Alvarado,  
18 they were still standing, and he could see the two civilians nearby, and Yeandle  
19 was just a few steps in front of Ake also responding to assist.

20 25. At one point Ake’s forearm, or elbow, is on Alvarado’s back or upper shoulder  
21 and later he is applying his hands to the back of Alvarado’s head.

22 26. When Gamez heard on the radio that officers were struggling with the suspect  
23 who fled the collision, and he realized he was close to them, he ran over to the  
24 area to assist.

25 27. Gamez could not locate them at first but when he did, he could see officers  
26 Solarino, Yeandle, and Ake still struggling with Alvarado.  
27  
28

1 28. Gradias remembers a call relating to a shooting, or homicide, wherein the suspect  
2 described to be a Hispanic male had fled, and when he responded to assist, he  
3 believed that the homicide call and car crash could be related.

4 29. There were four officers dealing with Alvarado when Gradias got to the scene,  
5 and he assisted post-handcuffing by grabbing Alvarado's arm when the first  
6 TARP was applied.

7 30. All Defendants received training relating to positional asphyxiation, excited  
8 delirium, and the recovery position, which is putting a person on their side to  
9 recover and breathe easier.

10 31. TFD evaluated Alvarado after the Defendants use of force, and when TFD asked  
11 him if he was injured, he said "no."

12 32. Per Dr. Joshua Gaither, TFD "[p]aramedics quickly assessed Mr. Alvarado and  
13 obtained a set of vital signs from him, including his respiratory rate, blood  
14 pressure, heart rate, and pulse oxygen level. Both Mr. Alvarado's blood pressure  
15 and pulse oxygen levels were within the expected norm. Mr. Alvarado's  
16 respiratory rate and heart rate were both slightly elevated, and the paramedics  
17 reasonably concluded that the slight elevations were consistent with someone who  
18 had been physically exerting himself."

19 33. Alvarado had a medical history of methamphetamine use.

20 34. Alvarado had a past medical history of a heart murmur.

21 35. Alvarado died on the day in question.

22 36. Alvarado was not the shooter in the nearby homicide and a different individual  
23 was convicted of that offense in Pima County Superior Court.

## 24 **VI. CONTESTED ISSUES OF FACT**

25 **List issues of fact to be tried and determined upon trial. Each issue of fact must**  
26 **be stated separately and in specific terms, followed by the parties' contentions**  
27 **as to each issue.**

1 1. Issue: Whether Solarino's punches and the use of his taser before other officers  
2 arrived were objectively reasonable, and therefore not a basis for Plaintiff's  
3 Fourth Amendment excessive force claim under 42 U.S.C. § 1983.

4 a. Plaintiff contends:

5 b. Defendants contend: The Court already granted summary judgment in  
6 Solarino's favor for his use of punches and his taser. (Doc. 131 at 46:10-  
7 11.) As such, this use of force cannot form the basis for a Fourth  
8 Amendment excessive force claim under 42 U.S.C. § 1983, and Plaintiff  
9 cannot argue or insinuate that it was unreasonable, unjustified, or not  
10 necessary at trial.

11 2. Issue: What level of force did each named Defendant use during this encounter,  
12 and what was the duration of the force used?

13 a. Plaintiff contends: That the force used by Defendants against Mr. Alvarado  
14 (Alvarado) was excessive and unreasonable. At one point in the interaction  
15 there was 5-7 officers pressing their body weight on top of Alvarado. This  
16 was more force than was necessary and this force continued even after  
17 Alvarado was handcuffed and the TARP had been applied. Alvarado was  
18 held in the stomach down (i.e., prone) position for a total of  
19 approximately 2 minutes and 53 seconds after he was handcuffed. Most of  
20 that time was spent face-down with Defendants' bodyweight on top of him.  
21 During the time that he had the force of Defendants on him Alvarado stated  
22 on at least six occasions that he could not breathe.

23 b. Defendants contend: Plaintiff's version is that some officers used a greater  
24 level of force and for a lengthier amount of time than what will be  
25 established at trial. For example, Plaintiff alleges that Yeandle put his knee  
26 on Alvarado's windpipe and Yeandle denies that accusation. Plaintiff has  
27 argued that Defendants "dogpiled" Alvarado and Defendants deny this  
28 accusation. Plaintiff has also argued that the force used in this case

1 “consists of ‘squeezing the breath’ from a suspect” and Defendants deny  
2 this accusation. Each named Defendant will testify about their specific use  
3 of force during the trial. The greatest level of force used was the officers’  
4 own strength. At times some officers partly used their body weight to try  
5 and control Alvarado who was aggressively resisting, but none of the  
6 Defendants put their knees on Alvarado’s neck. None of the officers used  
7 a baton, closed fist strikes to his person, or their tasers during the period of  
8 time still at issue<sup>1</sup>. The evidence at trial will be that the use of a spit sock  
9 does not impede a person’s ability to breathe.

10 3. Issue: The nature of the crime or other circumstances known to the Defendants at  
11 the time force was applied.

12 a. Plaintiff contends: That while some of the individual Defendants may have  
13 had suspicion that Alvarado was involved in the shooting incident, at least  
14 some of them arrived at the belief that he was not the shooting suspect  
15 while Alvarado was still on the ground and in the prone position. At this  
16 point the only crime that Alvarado might have committed was leaving the  
17 scene of an accident, a misdemeanor.

18 b. Defendants contend: Alvarado was seen fleeing from a serious multi-  
19 vehicle crash. Civilians who witnessed the crash called 911 to report they  
20 had caught up with him in a church parking lot nearby. Meanwhile, several  
21 of the Defendants had been responding to a nearby shooting/homicide  
22 incident where the potentially armed suspect fled the scene and they  
23 believed that the car crash could be related, and that Alvarado could be the  
24 suspect for both incidents.

25 4. Issue: Whether Alvarado posed an immediate threat to the safety of the  
26 Defendants or to others.

27 <sup>1</sup> Defendants Solarino used closed fist strikes and his taser when he was the only officer on scene  
28 dealing with Alvarado, but the Court already ruled that this force was reasonable. Defendants intend  
to seek a jury instruction advising the jury of the Court’s ruling for this use of force.



1 a. Plaintiff contends: Alvarado was quickly subdued by Defendants and  
2 posed no threat, immediate or otherwise, to the safety of Defendants.  
3 Certainly, by the time Alvarado was handcuffed and surrounded by several  
4 Defendants, he no longer posed a threat to officers or civilians. In  
5 particular, there were no civilians at risk after Defendants Yeandle and Ake  
6 arrived to the scene.

7 b. Defendants contend: Alvarado posed an immediate threat to the civilian  
8 witnesses and to all the officers involved in attempting to control and  
9 detain him. He demonstrated exceptional strength and was not complying  
10 with the Defendants' efforts to get him under control.

11 5. Issue: Whether Alvarado was actively resisting arrest or attempting to evade  
12 arrest by flight.

13 a. Plaintiff contends: Alvarado was actively attempting to flee when Solarino  
14 arrived and began engaging with him. Alvarado continued resisting  
15 officers until a few seconds after the handcuffs were placed. While  
16 Alvarado continued verbalizing words of resistance after this point, he was  
17 no longer physically resisting for purposes of the Graham v. Connor  
18 analysis. After being handcuffed, the bulk of Alvarado's physical gestures  
19 were consistent with his trying to breathe, not consistent with his trying to  
20 resist.

21 b. Defendants contend: Alvarado was actively resisting arrest and had  
22 attempted to evade arrest by fleeing. Even after being handcuffed and  
23 placed in the first TARP device, Alvarado could still kick and thrash his  
24 legs. The first spit sock was placed because he was spitting and the officers  
25 were concerned that his bodily fluids could get on them or TFD personnel  
26 upon their arrival to assess him. The second TARP was placed because the  
27 first was improperly applied and Alvarado could still kick and thrash his  
28 legs. TFD would not assess him until it was safe for them to do so.

1           6. Issue: What was the amount of time Defendants had to determine the type and  
2 amount of force that reasonably appeared necessary and were there any changing  
3 circumstances during that period.

4           a. Plaintiff contends: As defendants Yeandle, Ake, (et al) arrived on the  
5 scene, they heightened the use of force. During the first few minutes of the  
6 interaction, Defendants Solarino, Yeandle, and Ake used their body weight  
7 on sensitive areas of Alvarado's body – notably his neck and upper back.  
8 At one point early during the interaction between Defendants and  
9 Alvarado, one of the individual Defendants said out loud: "he's detained."  
10 There was significant body weight applied after this moment while  
11 Defendant was in the prone position. Additionally, both TARP devices  
12 were applied after this point. After this moment, Alvarado's physical  
13 resistance significantly diminished. Significant level of force, particularly  
14 the use of bodyweight, was used after Alvarado's level of resistance  
15 declined.

16           b. Defendants contend: Defendants used their strength, and at times their  
17 body weight, to try and control and detain Alvarado. Alvarado continued  
18 to actively resist until he was placed in handcuffs and the first TARP was  
19 applied. Alvarado was actively resisting when each Defendant arrived to  
20 assist. He did not change his level of resistance or comply while  
21 Defendants were trying to put him in handcuffs or while they were  
22 applying the first TARP.

23           7. Issue: Whether any effort was made by Defendants to temper or to limit the  
24 amount of force.

25           a. Plaintiff contends: After Alvarado was deemed detained, Defendant  
26 Gamez instructed his fellow officers to place Alvarado in the "recovery  
27 position". However, Defendants failed to place Alvarado in the recovery  
28 position for approximately one minute after Gamez made this warning.

1 During that minute, officers continued putting bodyweight on top of a  
2 prone suspect – a use of force deemed to be ‘deadly force’ within the rubric  
3 of Graham v. Connor. During this minute period of time, Alvarado’s level  
4 of resistance was limited. Additionally, after being placed in the recovery  
5 position for approximately five minutes, Defendants forced Alvarado back  
6 onto his stomach potentially with additional bodyweight for brief periods.  
7 minutes.

8 b. Defendants contend: See above. Also, Defendants did not use batons,  
9 tasers, or even closed hand fist strikes, all of which would be a greater level  
10 of force than what they were using while trying to detain Alvarado. The  
11 evidence at trial will be that Defendants’ use of force was the minimal  
12 amount of physical force that an officer can use during an encounter like  
13 this. The evidence will further demonstrate that officers are trained that  
14 they may use a greater level of force than what was used in this case under  
15 similar facts and circumstances.

16 8. Issue: What injury or injuries did Alvarado suffer as a result of the Defendants’  
17 use of force.

18 a. Plaintiff contends: Alvarado ultimately died as a result of Defendants’ use  
19 of force. He would not have died had he not interacted with Defendants  
20 that day. Additionally, because multiple police officers were acting in  
21 concert to achieve a common goal of subduing a suspect, Plaintiff is not  
22 required to prove each individual officer’s contribution to Alvarado’s  
23 death. By contrast, a factfinder will be required to determine whether each  
24 individual Defendant independently exerted an excessive level of force and  
25 whether the officers’ collective actions were a “substantial factor” in  
26 causing Alvarado’s death. Independent of death, the officers caused  
27 significant pre-death pain and suffering.  
28

1 b. Defendants contend: Plaintiff will not be able to establish any Defendant  
2 caused Alvarado's death or any injury. He was involved in a car crash, was  
3 pulled off a block wall he attempted to flee over, and the force used by  
4 Solarino to include physically struggling with Alvarado, punching him  
5 multiple times, and use of his taser was already found to be reasonable.  
6 Alvarado suffered a cardiac arrest over 12 minutes after Defendants used  
7 the last bit of force that is at issue in this case; the application of the second  
8 TARP. Plaintiff cannot prove that any Defendants' use of force caused or  
9 contributed to his death. The Pima County Medical Examiner concluded  
10 that Alvarado's death was "an accident" and it was not determined a  
11 "homicide." Plaintiff does not have any expert or any evidence that proves  
12 any Defendant caused Alvarado an injury or his death.

## 13 VII. CONTESTED ISSUES OF LAW

14 **The following are issues of law to be tried and determined upon trial. Each issue**  
15 **of law must be stated concisely, separately and in specific terms, followed by the**  
16 **parties' contentions as to each issue.**

17 1. Issue: Whether the Defendants' use of force under the particular circumstances  
18 confronting them was objectively reasonable.

19 a. Plaintiff contends: No reasonable jury would find that Alvarado posed a  
20 serious threat to officers or civilians after having been handcuffed and after  
21 an officer verbally said "detained." The level of force used (i.e., the  
22 bodyweight) was deadly force or, at the very least, potentially deadly force.

23 b. Defendants contend: Alvarado fled a serious car crash, with injuries  
24 unknown to most of the Defendants. Some Defendants also believed that  
25 Alvarado was potentially the armed suspect who fled a nearby and close in  
26 time homicide/shooting incident. When he was first encountered it was  
27 unknown whether he was armed. Solarino had already been struggling with  
28 Alvarado to control and detain him and the Defendants who responded to

1 assist all knew this fact either because they could see it as they arrived or  
2 they heard it broadcasted over the TPD radio. Even with Ake, Yeandle,  
3 Gradias, and Gamez assisting, it took minutes before they could get  
4 Alvarado in handcuffs and then the first TARP, which was improperly  
5 placed because Alvarado continued resistance. The evidence at trial will  
6 show that Alvarado was actively and aggressively resisting the majority of  
7 the time the Defendants were using their strength to try and control and  
8 detain him. The evidence will show that the Defendants used the least  
9 amount of force during this encounter. The evidence will also show that  
10 even when they used their body weight, it was only long enough to put  
11 handcuffs on Alvarado, or the TARP devices, and never in a manner that  
12 was unreasonable based on the circumstances Defendants were faced with.

13 2. Issue: Based on the facts presented at trial, are any of the Defendants entitled to  
14 qualified immunity protection because either their use of force was not a  
15 constitutional violation, or because it was not clearly established that their  
16 particular use of force would be considered a constitutional violation based on the  
17 facts surrounding this incident.

18 a. Plaintiff contends: The parties appear to agree that only the Court can make  
19 a qualified immunity determination after presentation of the evidence at  
20 trial. Plaintiff contends that, in the event of a Plaintiff verdict, the proper  
21 method is for Defendant to make a motion under Rule 50, addressing the  
22 qualified immunity issue.

23 b. Defendants contend: The Court should consider again whether Defendants  
24 are entitled to qualified immunity after hearing the facts presented at trial.  
25 If there are disputed facts after the presentation of the parties' respective  
26 cases, Defendants propose that special interrogatories should go to the jury  
27 for them to make said factual determinations, and the Court can then rely  
28 on those factual findings to decide whether qualified immunity protects

1                   one or all Defendants. If the facts at trial are not disputed, the Court can  
2                   make this legal determination prior to the case going to the jury.

3           3. Issue: Did Plaintiff present evidence that proves any named Defendants' use of  
4           force caused Damien Alvarado's death, or should Plaintiff be precluded from  
5           arguing and seeking any alleged damages relating to his death.

6           a. Plaintiff contends: As noted above, Plaintiff contends that Ninth Circuit  
7           precedent does not require Plaintiff to prove each individual Defendant's  
8           contribution to Alvarado's death, so long as Plaintiff can demonstrate that  
9           certain individual Defendants acted in concert toward a common objective,  
10          that each Defendant independently used excessive force, and that the  
11          collective result was death. Furthermore, Plaintiff contends that the  
12          "substantial factor" test applies to causation. Finally, Plaintiff contends that  
13          expert witnesses on causation – while helpful to a jury determination – are  
14          not necessary to find a substantial factor leading to death. It is for the jury,  
15          drawing on the evidence and common sense, to determine whether Plaintiff  
16          had met her burden on causation.

17          b. Defendants contend: Plaintiff cannot prove that any named Defendants'  
18          use of force caused Alvarado's death. Plaintiff lacks medical expert  
19          opinions to prove causation, and even the Pima County Medical Examiner,  
20          who may be called as a witness, did not conclude that any person caused  
21          or contributed to his death. His death was ruled "an accident." No  
22          Defendant was using force against him when he passed. In addition,  
23          Alvarado was alive for over 12 minutes after the second TARP device was  
24          applied, which is undisputedly the last use of force Plaintiff alleged was  
25          used in this case. Alvarado suffered a cardiac arrest resulting in his death  
26          over 5 minutes after the TFD personnel evaluated and cleared him to be  
27          transported to the hospital. Plaintiff cannot establish that the cardiac arrest  
28          was caused by any Defendants' use of force.

1           4. Issue: Did Plaintiff present evidence proving that any Defendant caused Alvarado  
2           pain and suffering during the incident, or should Plaintiff be precluded from  
3           arguing or seeking damages for pre-death pain and suffering and only be allowed  
4           to seek nominal damages after first proving a particular Defendant caused the  
5           alleged pain and suffering.

6           a. Plaintiff contends: Defendants Solarino, Yeandle, and Ake, in particular,  
7           placed their full body weight on Alvarado's windpipe, neck, and upper  
8           back. This inhibited Alvarado's ability to breathe, causing Alvarado to feel  
9           as if he was suffocating. Alvarado's state of inebriation does not change  
10          the fact that he subjectively perceived himself to be suffocating, as  
11          evidenced by his many statements to the effect of "I can't breathe."

12          b. Defendants contend: The evidence will show that Alvarado had a high  
13          level of methamphetamines in his system. He had just been involved in a  
14          serious multi-vehicle car crash, he was pulled from a 6 foot brick wall,  
15          punched several times by Solarino, and tased by Solarino all before the use  
16          of force that is now the subject of Plaintiff's Fourth Amendment claim  
17          even occurred. In addition, Alvarado can be seen actively fighting with  
18          Defendants, banging his own head on a cement parking block on the  
19          ground, and physically straining himself during the entire encounter. Based  
20          on the foregoing, Plaintiff will not be able to prove that any Defendants'  
21          use of force caused Alvarado any pre-death pain or suffering. Rather, the  
22          evidence will prove to the jury that any alleged pain and suffering he  
23          experienced was self-inflicted.

24          5. Issue: If Plaintiff succeeds against any Defendant, there will be the issue of what,  
25          if any, attorney's fees Plaintiff is entitled to under 42 U.S.C. § 1988.

26          a. Plaintiff contends: If Plaintiff prevails, Plaintiff will be entitled to submit  
27          a fee petition seeking the lodestar measure, pursuant to 42 U.S.C. § 1988.  
28

1 b. Defendants contend: If Plaintiff prevails as to any Defendant, this issue  
2 will need to be briefed after trial.

3 6. Issue: If Plaintiff succeeds against any Defendant, whether damages may include  
4 so-called ‘hedonic’ damages (also commonly referred to as enjoyment-of-life  
5 damages.

6 a. Plaintiff contends: The Ninth Circuit clearly established in 2021 that  
7 hedonic damages are available in excessive force cases brought under  
8 Section 1983. Additionally, courts have concluded that a jury can award a  
9 hedonic damages number without the aid of an economics expert witness.  
10 Finally, federal case law interpreting Arizona state law makes clear that  
11 there is only one Plaintiff that has standing under Section 1983 in death  
12 cases—the estate itself.

13 b. Defendants contend: The remaining excessive force claims alleged under  
14 42 U.S.C. § 1983, are brought on behalf of Mr. Alvarado’s estate. The  
15 wrongful death claim and Ms. Briseno’s claim on her own behalf were  
16 previously dismissed. *See* Doc. 60. Mr. Alvarado’s minor child is not a  
17 named party. As such, “hedonic” damages cannot be recovered in this  
18 lawsuit. Plaintiff cannot seek damages for Irene Briseno or Mr. Alvarado’s  
19 minor child in this lawsuit. Defendants will be filing a motion in *limine* to  
20 address this issue.

21 7. Issue: Did Plaintiff present sufficient evidence during the jury trial to seek punitive  
22 damages against any individually named defendant?

23 a. Plaintiff contends: There is ample evidence from which a reasonable jury  
24 could conclude that Defendants Ake, Solarino and Yeandle acted  
25 maliciously, oppressively, or in reckless disregard of the decedent’s rights.  
26 In 2022, Defendants raised precisely this argument to the Court in their  
27 12.b.6 briefing and this Court denied Defendants’ motion on the punitive  
28 damages issue. Doc 60. Defendants had a second opportunity to strip the



1 punitive damages issue from the jury's consideration and yet chose not to  
2 raise that issue in their motion for summary judgement after the close of  
3 discovery. Plaintiff has put forward the following factual details  
4 supporting punitive damages: Defendants could clearly hear the decedent  
5 expressing difficulty breathing at least six times. Defendants responded to  
6 Alvarado's pleas for breath by callously dismissing him, stating "if you're  
7 talking you're breathing", "stop complaining", and "shut your fucking  
8 mouth". Further, they mocked his ragged breathing sounds in an insulting  
9 tone of voice. Even after Defendants Ake, Yeandle and Solarino were  
10 urged by their Defendant Gamez to get Alvarado into the recovery position  
11 as quickly as possible, Defendants Yeandle, Ake, and Solarino kept  
12 Alvarado face down and continued to place body weight on him for at least  
13 three minutes following the first time Alvarado said "I can't breathe". Doc  
14 131.

- 15 b. Defendants' contend: The jury should not be asked to assess punitive  
16 damages because Plaintiff will not be able to present sufficient evidence to  
17 convince a reasonable juror that any individual defendant's conduct was  
18 malicious, oppressive or in reckless disregard of the decedent's rights.

#### 19 **VIII. LIST OF WITNESSES**

20 **Each party shall provide a list of witnesses intended to be called at trial. As to**  
21 **each witness, identify whether he or she is a fact or expert witness and include a**  
22 **brief statement of the expected testimony of any expert witness.**

23 **Each party understands that it is responsible for ensuring that the witnesses it**  
24 **wishes to call to testify are subpoenaed. Each party further understands that any**  
25 **witness a party wishes to call shall be listed on that party's list of witnesses' the**  
26 **party cannot rely on the witness having been listed or subpoenaed by another**  
27 **party.**

***Plaintiff intends to call the following percipient fact witnesses:***

1. Justin Canovali
2. Jayce Canovali
3. Donovan Vance
4. Joseph Gradias
5. Keith Goldstein
6. Marco Durazo
7. Mike Gamez
8. Nick Solarino
9. Raymond Fleck
10. Ryan Ake
11. Scott Ellis
12. Sean Yeandle
13. Silas Spencer
14. Dr. Jennifer Chen
15. Dr. Ashley L. Lukefahr
16. Monica Prieto
17. Detective Scott Ahlskog

***Plaintiff intends to call the following witnesses relating to damages:***

18. Plaintiff (Irene Briseno)
19. Jessica Valdez
20. D'amien Alvarado
21. Yesenia Briseno
22. James Briseno

Defendants object to all of the above listed witnesses in so far as no one has personal knowledge regarding the material facts relevant to the pending 4<sup>th</sup> Amendment excessive force claims. Furthermore, if Plaintiff intends to call them to testify as damage witnesses, each should be limited to testifying about damages this Court

1 determines Plaintiff is permitted to seek in this lawsuit. Defendants will be filing a  
2 motion in *limine* to address what damages they believe Plaintiff may seek and will  
3 request that some or all of the witnesses be precluded or limited based on this Court's  
4 findings.

5 ***Defendants intend to call the following fact witnesses at trial:***

- 6 1. Victim Xiyan Li
- 7 2. Victim James Fred Garliepp III
- 8 3. Witness Mustafa Amencamara Nasheed
- 9 4. Witness Heather Lynn Mcadaragh
- 10 5. Witness Lance Charles Russell
- 11 6. Witness 911 Caller Jasmine
- 12 7. Witness 911 Caller Katlyn Taylor
- 13 8. Witness Hank Huntsinger
- 14 9. Witness Heather
- 15 10. Witness Additional 911 Caller
- 16 11. Nicolo Solarino
- 17 12. Sean Yeandle
- 18 13. Henry Gamez
- 19 14. Ryan Ake
- 20 15. Joseph Gradias
- 21 16. Francisco Santa Maria
- 22 17. Marco Durazo
- 23 18. Officer Donovan Vance
- 24 19. Sergeant Scott Ellis
- 25 20. Sergeant Eric Evans
- 26 21. Officer John Jackson
- 27 22. Deputy Chief Monica Prieto
- 28

***If needed, Defendants may call the following fact witnesses at trial:***

23. TFD Paramedic Raymond Fleck
24. TFD Engineer Chad Decastro
25. TFD Paramedic Ryan Gaudio
26. TFD Paramedic Keith Goldstein
27. TFD Fire Fighter Silas Spencer
28. Joshua B. Gaither
29. Jennifer Chen
30. Justin Kneup
31. Fabian Miranda
32. Iris Betancourt
33. Detective Scott Ahlskog
34. Detective Patrick Robinson
35. Officer Cole Lamey
36. TFD Captain Matthew Ford
37. Sergeant Jesse Chlopowicz
38. Officer Quentin Luce
39. Detective Michael Kishbaugh
40. Officer Rico Acevedo
41. Detective Nicholas Droban
42. Sergeant Craig Kerlin
43. Detective Edward Harper
44. Officer Gregory Shore
45. Detective Troy Wallen
46. Crime Scene Technician Steven Wang
47. Detective Shawn Simmons
48. CSS Supervisor Thomas Grant
49. Detective Brianne Perez

1 50. Officer Christopher Trusk  
2 51. Officer Erin Brown  
3 52. Lieutenant Frank Hand  
4 53. Detective Shane Barrett  
5 54. Officer Michael Holden  
6 55. Detective Christal Matthews  
7 56. Officer Evan Hasterok  
8 57. Officer Devin Johnson  
9 58. Officer Evan Gast  
10 59. Officer Travis Johnson  
11 60. Officer Kyle Linares  
12 61. Officer Ricardo Islava  
13 62. Officer Mark Brazill  
14 63. Officer Francisco Lopez  
15 64. Officer Crystal Farley  
16 65. Detective William Fisher  
17 66. Diana Duffy  
18 67. Matt Ronstadt  
19 68. Mickey Petersen  
20 69. Sergeant Brian Knight  
21 70. Officer Abel Urzua

22 **IX. LIST OF EXHIBITS**

23 **Each party shall provide a list of numbered exhibits. As to each exhibit, the party**  
24 **shall include a description containing sufficient information to identify and**  
25 **distinguish the exhibit. Further, a statement of either UNCONTESTED or**  
26 **CONTESTED shall follow each listed exhibit. If contested, a brief statement of**  
27 **the objection by the opposing party shall also follow the listed exhibit. Exhibits**  
28

1 shall be marked according to the instructions received from the Court (which  
2 shall be provided approximately two weeks prior to trial).

3 Each party hereby acknowledges by signing this joint Proposed Final Pretrial  
4 Order that any objections not specifically raised herein are waived.

5 ***Plaintiff's Exhibits:***

- 6 1. Tucson Sentinel Event Review Board (SERB) Report (bates-stamped 20-  
7 387COT1234-20-387COT1313)

8 Defendants' objection: This document covers another unrelated incident in addition to  
9 subject incident. Fed. R. Evid. 401, 402, and 403. Plaintiff abandoned her *Monell* claims  
10 against the City of Tucson, and as such all other incidents, events, or occurrences are  
11 irrelevant to the remaining claims. *Id.*; see also Doc. 131. The SERB review and report are  
12 a result of the City of Tucson, and the Tucson Police Department's, ongoing attempts to  
13 improve its training and implementation of use of force policies and procedures, and their  
14 continued efforts to improve its police force's handling of incidents in the community. For  
15 this reason, too, the SERB and this document's contents should be precluded as subsequent  
16 remedial measures pursuant to Fed. R. Evid. 407. Additionally, this document is fraught  
17 with hearsay and double hearsay under Fed. R. Evid 802 and 805, and should be precluded  
18 for this reason too. Defendants will file a motion in *limine* to address this exhibits  
19 inadmissibility.

- 20 2. Irene Briseno Deposition Transcript

21 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
22 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
23 transcript.

- 24 3. Jessica Valdez Deposition Transcript

25 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
26 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
27 transcript.

1 4. Nicolo Solarino Deposition Transcript

2 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
3 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
4 transcript.

5 5. Donovan Vance Deposition Transcript

6 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
7 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
8 transcript.

9 6. Joseph Gradias Deposition Transcript

10 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
11 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
12 transcript.

13 7. Marco Durazo Deposition Transcript

14 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
15 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
16 transcript.

17 8. Mike Gamez Deposition Transcript

18 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
19 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
20 transcript.

21 9. Ryan Ake Deposition Transcript

22 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
23 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
24 transcript.

25 10. Sean Yeandle Deposition Transcript

26 Defendants' objection: Plaintiff can only use deposition transcripts if, and as, permitted  
27 under Fed. R. Civ. P. 32. Defendants are not stipulating to the blanket use of any deposition  
28 transcript.

- 11.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1721 Solarino redacted,  
bates-stamped 20-387COT1471 (or unredacted version<sup>2</sup>)
- 12.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1807 Solarino redacted,  
bates-stamped 20-387COT1489 (or unredacted version)
- 13.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1721 Gamez redacted,  
bates-stamped 20-387COT1472 (or unredacted version)
- 14.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1723 Durazo redacted,  
bates-stamped 20-387COT1473(or unredacted version)
- 15.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1741 Ake redacted,  
bates-stamped 20-387COT1474 (or unredacted version)
- 16.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1741 Yeandle redacted,  
bates-stamped 20-387COT1475 (or unredacted version)
- 17.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1742 Jackson redacted,  
bates-stamped 20-387COT1476
- 18.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1742 Vance redacted,  
bates-stamped 20-387COT1477 (or unredacted version)
- 19.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1744 Gradias redacted,  
bates-stamped 20-387COT1481(or unredacted version)
- 20.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1747 Evans redacted,  
bates-stamped 20-387COT1483 (or unredacted version)
- 21.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1747 Santamaria  
redacted, bates-stamped 20-387COT1484 (or unredacted version)
- 22.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1752 Ellis redacted,  
bates-stamped 20-387COT1485 (or unredacted version)
- 23.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1755 Evans redacted,  
bates-stamped 20-387COT1486 (or unredacted version)

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<sup>2</sup> Some videos' redactions block necessary views and unredacted versions may be used to alleviate this barrier as noted after each listed video exhibit to which this applies. Counsel will confer if an unredacted version need to be shown prior to the use at trial.



24.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1756 Evans redacted,  
bates-stamped 20-387COT1487 (or unredacted version)

25.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1829 Gradias redacted,  
bates-stamped 20-387COT1491 (or unredacted version)

26. Transcript of audio interview of Marco Durazo (bates-stamped 20-387COT0266  
– 20-387COT0618, at 20-387COT0445 – 20-387COT0471 and 20-387COT0526  
– 20-387COT0552)

Defendants’ objection: Plaintiff can only use transcripts if, and as, permitted under the  
Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

27. Transcript of audio interview of Francisco Santa Maria (bates-stamped 20-  
387COT0266 – 20-387COT0618, at 20-387COT0499 – 20-387COT0513)

Defendants’ objection: Plaintiff can only use transcripts if, and as, permitted under the  
Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

28. Transcript of audio interview of Justin Canovali (bates-stamped 20-387COT0266  
– 20-387COT0618, at 20-387COT0553 – 20-387COT0576)

Defendants’ objection: Plaintiff can only use transcripts if, and as, permitted under the  
Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

29. Transcript of audio interview of Jayce Canovali (bates-stamped 20-387COT0266  
– 20-387COT0618, at 20-387COT0577 – 20-387COT0608)

Defendants’ objection: Plaintiff can only use transcripts if, and as, permitted under the  
Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

30. Transcript of audio interview of Joseph Gradias (bates-stamped 20-  
387COT04940 – 20-387COT4959)

Defendants’ objection: Plaintiff can only use transcripts if, and as, permitted under the  
Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

31. Transcript of audio interview of Nicolo Solarino (bates-stamped 20-387COT4960  
- 20-387COT4995)

1 Defendants' objection: Plaintiff can only use transcripts if, and as, permitted under the  
2 Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

3 32. Transcript of audio interview of Ryan Ake (bates-stamped 20-387COT4996 – 20-  
4 387COT5019)

5 Defendants' objection: Plaintiff can only use transcripts if, and as, permitted under the  
6 Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

7 33. Transcript of audio interview of Mike Gamez (bates-stamped 20-387COT5020 –  
8 20-387COT5051)

9 Defendants' objection: Plaintiff can only use transcripts if, and as, permitted under the  
10 Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

11 34. Transcript of audio interview of Sean Yeandle (bates-stamped 20-387COT5052  
12 – 20-387COT5072)

13 Defendants' objection: Plaintiff can only use transcripts if, and as, permitted under the  
14 Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

15 35. Tucson Police Department Audio – Interview of Officer Donovan Vance dated  
16 March 22, 2020, bates-stamped 20-387COT1461

17 Defendants' objection: Plaintiff can only use transcripts if, and as, permitted under the  
18 Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

19 36. Tucson Police Department Audio – Interview of Jayce Canovali dated March 22,  
20 2020, bates-stamped 20-387COT1464

21 Defendants' objection: Plaintiff can only use transcripts if, and as, permitted under the  
22 Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

23 37. Tucson Police Department Audio – Interview of Officer Santa Maria dated March  
24 22, 2020, bates-stamped 20-387COT1465

25 Defendants' objection: Plaintiff can only use transcripts if, and as, permitted under the  
26 Federal Rules of Evidence. *See* Rules 401, 402, 403, 612, 613, 802, 805, and 806.

27 38. Pima County Medical Examiner Autopsy Report (bates-stamped 20-  
28 387COT3206 - 20-387COT3385)

Defendants' objection: This exhibit is not admissible without a testifying witness. *See* Fed. R. Evid. 802, 805, and 901.

39. Tucson Police Department Event Chronology, bates-stamped 20-387COT0003 – 20-387COT0069

40. Tucson Police Department Event Chronology, bates-stamped 20-387COT0134 – 20-387COT0181

***Defendants' Exhibits:***

***Defendants will use the following exhibits at trial:***

1. Intersection of Prince and Campbell Google Map (bates-stamped 20-387COT - 20-387COT3698)
2. Tucson Police Department 911 call from Lanita w/ Sirius XM, bates-stamped 20-387COT0126
3. Tucson Police Department 911 call Unknown Caller/Heather, bates-stamped 20-387COT0127
4. Tucson Police Department Commo Audio, bates-stamped 20-387COT0128
5. E200820739 Prince & Campbell MVA and 911 Calls, bates-stamped 20-387COT0129
6. E200820739 Prince & Campbell Radio Audio, bates-stamped 20-387COT0130
7. 2003220124 TPD 911/Radio Transmission Audio, bates-stamped 20-387COT0131
8. 2003220124 TPD 911/Radio Transmission Audio, bates-stamped 20-387COT0132
9. 2003220124 TPD BLANK/NO AUDIO, bates-stamped 20-387COT0133
10. Tucson Police Department Event Chronology, bates-stamped 20-387COT0134 – 20-387COT0181

- 1 11. Tucson Police Department Individual Unit History, bates-stamped 20-  
2 387COT0182 – 20-387COT0217
- 3 12. Tucson Police Department Unit History, bates-stamped 20-387COT0218  
4 – 20-387COT0237
- 5 13. Tucson Police Department Chain of Custody, bates-stamped 20-  
6 387COT0238 – 20-387COT0262
- 7 14. Tucson Police Department Evidence Sheet, bates-stamped 20-  
8 387COT0263 – 20-387COT0265
- 9 15. Tucson Police Department Official Report, bates-stamped 20-  
10 387COT0266 – 20-387COT0618
- 11 16. Tucson Police Department Taser Record for Officer Solarino, bates-  
12 stamped 20-387COT0619
- 13 17. Tucson Police Department Photos, bates-stamped 20-387COT0620 – 20-  
14 387COT748
- 15 18. Tucson Police Department Photographs Disc 1, bates-stamped 20-  
16 387COT0749 – 20-387COT1203
- 17 19. Sample spit sock (bates-stamped 20-387COT4405)
- 18 20. TARP (bates-stamped 20-387COT4407)
- 19 21. Transport hood (bates-stamped 20-387COT4408)
- 20 22. Tucson Fire Department F200820168 Radio Audio, bates-stamped 20-  
21 387COT1204
- 22 23. Tucson Fire Department Event Chronology, bates-stamped 20-  
23 387COT1205 – 20-387COT1206
- 24 24. Tucson Fire Department Unit Chronology, bates-stamped 20-  
25 387COT1207 – 20-387COT1210
- 26 25. Tucson Fire Department Patient Care Report, bates-stamped 20-  
27 387COT1211 – 20-387COT1218
- 28

- 1 26. Notice of Claim against the City of Tucson, received September 22, 2020,  
2 bates-stamped 20-387COT1455 – 20-387COT1458
- 3 27. Tucson Police Department Search Warrant Audio, bates-stamped 20-  
4 387COT1470
- 5 28. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1721 Solarino  
6 redacted, bates-stamped 20-387COT1471 (or unredacted version<sup>3</sup>)
- 7 29. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1807 Solarino  
8 redacted, bates-stamped 20-387COT1489 (or unredacted version)
- 9 30. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1721 Gamez  
10 redacted, bates-stamped 20-387COT1472 (or unredacted version)
- 11 31. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1723 Durazo  
12 redacted, bates-stamped 20-387COT1473(or unredacted version)
- 13 32. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1741 Ake  
14 redacted, bates-stamped 20-387COT1474 (or unredacted version)
- 15 33. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1741 Yeandle  
16 redacted, bates-stamped 20-387COT1475 (or unredacted version)
- 17 34. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1742 Jackson  
18 redacted, bates-stamped 20-387COT1476
- 19 35. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1742 Vance  
20 redacted, bates-stamped 20-387COT1477 (or unredacted version)
- 21 36. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1744 Gradias  
22 redacted, bates-stamped 20-387COT1481(or unredacted version)
- 23 37. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1747 Evans  
24 redacted, bates-stamped 20-387COT1483 (or unredacted version)
- 25 38. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1747 Santamaria  
26 redacted, bates-stamped 20-387COT1484 (or unredacted version)

---

<sup>3</sup> Some videos' redactions block necessary views and unredacted versions may be used to alleviate this barrier as noted after each listed video exhibit to which this applies. Counsel will confer if an unredacted version need to be shown prior to the use at trial.

- 39.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1752 Ellis  
redacted, bates-stamped 20-387COT1485 (or unredacted version)
- 40.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1755 Evans  
redacted, bates-stamped 20-387COT1486 (or unredacted version)
- 41.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1756 Evans  
redacted, bates-stamped 20-387COT1487 (or unredacted version)
- 42.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1829 Gradias  
redacted, bates-stamped 20-387COT1491 (or unredacted version)
- 43.(Extraction\_1.1)\_Traffic\_Collision Bermudez redacted, bates-stamped 20-  
387COT1497
44. Tucson Police Department General Orders - 2000 Use of Force Revised  
February 27, 2018; October 27, 2016; September 1, 2017; September 20,  
2017 (bates-stamped 20-387COT2979 - 20-387COT3043)
42. Tucson Police Department General Orders - 2700 Special Circumstances  
Revised March 15, 2018 (bates-stamped 20-387COT3044 - 20-  
387COT3058)
43. Tucson Police Department General Orders - 2700 Investigative Protocols  
Revised December 21, 2009 (bates-stamped 20-387COT3059 - 20-  
387COT3090)
44. Tucson Police Department General Orders - 3700 Specialized Department  
Equipment Revised September 19, 2019 (bates-stamped 20-387COT3091  
- 20-387COT3125)
45. COT Rsp to Briseno 1st RFP No. 3: COT2294-2379 (OPS Administrative  
Documents) redacted
46. COT Rsp to Briseno 1st RFP No. 3: COT2380-2405 (OPS Summary)
47. COT Rsp to Briseno 1st RFP No. 3: COT2406-2443 (OPS Personnel  
Reports)

1 48. COT Rsp to Briseno 1st RFP No. 3: COT2444-2450 (OPS Coc Personnel  
2 Reports)

3 49. COT Rsp to Briseno 1st RFP No. 3: COT2451-2480 (OPS Discipline  
4 Documents)

5 50. Irene Briseno Deposition Transcript (for cross-examination, if needed)

6 51. Jessica Valdez Deposition Transcript (for cross-examination, if needed)

7 ***If the need arises, Defendants will use the following exhibits at trial:***

8 45. Spit sock invoice and information (bates-stamped 20-387COT2952 – 20-  
9 387COT2956)

10 46. Pima County Medical Examiner Autopsy Report (bates-stamped 20-  
11 387COT3206 - 20-387COT3385)

12 47. Banner University Medical Center Medical Records (bates-stamped 20-  
13 387COT4654 – 20-387COT4939)

14 48. Curriculum Vitae of Joshua B. Gaither, M.D., including publications  
15 (bates-stamped 20-387COT4339 – 20-387COT4402)

16 49. Curriculum Vitae of Jennifer Chen, M.D., including publications (bates-  
17 stamped 20-387COT4403 – 20-387COT4404)

18 50. Curriculum Vitae/Resume of Rico Acevedo (bates-stamped 20-  
19 387COT5073 – 20-387COT2074)

20 51. Transcript of audio interview of Donovan Vance (previously disclosed as  
21 City of Tucson Initial Disclosure, Tucson Police Department Official  
22 Report (bates-stamped 20-387COT0266 – 20-387COT0618, at 20-  
23 387COT0428 – 20-387COT0438 and 20-387COT0488 – 20-  
24 387COT0498)

25 52. Transcript of audio interview of John Jackson (bates-stamped 20-  
26 387COT0266 – 20-387COT0618, at 20-387COT0439 – 20-387COT0444  
27 and 20-387COT0520 – 20-387COT0525)  
28

53. Transcript of audio interview of Marco Durazo (bates-stamped 20-387COT0266 – 20-387COT0618, at 20-387COT0445 – 20-387COT0471 and 20-387COT0526 – 20-387COT0552)
54. Transcript of audio interview of Francisco Santa Maria (bates-stamped 20-387COT0266 – 20-387COT0618, at 20-387COT0499 – 20-387COT0513)
55. Transcript of audio interview of Cole Lamey (bates-stamped 20-387COT0266 – 20-387COT0618, at 20-387COT0514 – 20-387COT0519)
56. Transcript of audio interview of Justin Canovali (bates-stamped 20-387COT0266 – 20-387COT0618, at 20-387COT0553 – 20-387COT0576)
57. Transcript of audio interview of Jayce Canovali (bates-stamped 20-387COT0266 – 20-387COT0618, at 20-387COT0577 – 20-387COT0608)
58. Transcript of audio interview of Joseph Gradias (bates-stamped 20-387COT04940 – 20-387COT4959)
59. Transcript of audio interview of Nicolo Solarino (bates-stamped 20-387COT4960 - 20-387COT4995)
60. Transcript of audio interview of Ryan Ake (bates-stamped 20-387COT4996 – 20-387COT5019)
61. Transcript of audio interview of Mike Gamez (bates-stamped 20-387COT5020 – 20-387COT5051)
62. Transcript of audio interview of Sean Yeandle (bates-stamped 20-387COT5052 – 20-387COT5072)
63. Tucson Police Department Pulse Graph Taser Record for Officer Solarino (bates-stamped 20-387COT5075)
64. Damien Alvarado's BMW X5, Plate CRZ4628, VIN: 5UXFA53563LV83669 (bates-stamped 20-387COT4406)
65. 911 calls/radio, bates-stamped 20-387COT0001
66. 2901 E Ft Lowell 3-22-20 Radio, bates-stamped 20-387COT0002



- 1 67. Tucson Police Department Event Chronology, bates-stamped 20-  
2 387COT0003 – 20-387COT0069
- 3 68. Tucson Police Department Individual Unit History, bates-stamped 20-  
4 387COT0070 – 20-387COT0098
- 5 69. Tucson Police Department Unit History, bates-stamped 20-387COT0099  
6 – 20-387COT0125
- 7 70. Arizona Peace Officer Standards and Training Board, 585 – Hour Basic  
8 Curriculum, Model Lesson Plan, Managing In-Custody Death 8.5.5, June  
9 2014 bates-stamped 20-387COT2481 – 20-387COT2490
- 10 71. Tucson Police Department Excited Delirium Response Protocol (bates-  
11 stamped 20-387COT2491, sent via OneDrive Link)
- 12 72. Tucson Police Department Audio – Interview of Officer John Jackson  
13 dated March 22, 2020, bates-stamped 20-387COT1459
- 14 73. Tucson Police Department Audio – Interview of Officer Cole Lamey dated  
15 March 22, 2020, bates-stamped 20-387COT1460
- 16 74. Tucson Police Department Audio – Interview of Officer Donovan Vance  
17 dated March 22, 2020, bates-stamped 20-387COT1461
- 18 75. Tucson Police Department Audio – Interview of Keith Goldstein dated  
19 March 24, 2020, bates-stamped 20-387COT1462
- 20 76. Tucson Police Department Audio – Interview of Ryan Gaudioso dated  
21 March 24, 2020, bates-stamped 20-387COT1463
- 22 77. Tucson Police Department Audio – Interview of Jayce Canovali dated  
23 March 22, 2020, bates-stamped 20-387COT1464
- 24 78. Tucson Police Department Audio – Interview of Officer Santa Maria dated  
25 March 22, 2020, bates-stamped 20-387COT1465
- 26 79. Tucson Police Department Audio – Interview of Engineer DeCastro dated  
27 March 24, 2020, bates-stamped 20-387COT1466  
28

- 1 80. Tucson Police Department Audio – Interview of Raymond Fleck dated  
2 March 24, 2020, bates-stamped 20-387COT1467
- 3 81. Tucson Police Department Audio – Interview of Silas Spencer dated  
4 March 24, 2020, bates-stamped 20-387COT1468
- 5 82. Tucson Police Department Audio – Interview of Captain Ford dated March  
6 24, 2020, bates-stamped 20-387COT1469
- 7 83. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1743 Lechner  
8 redacted, bates-stamped 20-387COT1478
- 9 84. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1743 Mclaughlin  
10 redacted, bates-stamped 20-387COT1479
- 11 85. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1743 Lamey  
12 redacted, bates-stamped 20-387COT1480
- 13 86. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1746 Hasterock  
14 redacted, bates-stamped 20-387COT1482
- 15 87. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1807 Chlopowicz  
16 redacted, bates-stamped 20-387COT1488
- 17 88. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1814 Jackson  
18 redacted, bates-stamped 20-387COT1490
- 19 89. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1851 Johnson  
20 redacted, bates-stamped 20-387COT1492
- 21 90. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1918 Corrigan  
22 redacted, bates-stamped 20-387COT1493
- 23 91. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1921 Lopez  
24 redacted, bates-stamped 20-387COT1494
- 25 92. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1955 Linares  
26 redacted, bates-stamped 20-387COT1495
- 27 93. (Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_2052 Hasterok  
28 redacted, bates-stamped 20-387COT1496

- 1 94.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1850 Trusk  
2 redacted, bates-stamped 20-387COT1498
- 3 95.(Extraction\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1933 Corrigan  
4 redacted, bates-stamped 20-387COT1499
- 5 96.(Extraction\_1.2)\_AXON\_Body\_2\_Video\_2020-03-22\_1918 Johnson  
6 redacted, bates-stamped 20-387COT1500
- 7 97.(Extraction\_1.2)\_AXON\_Body\_2\_Video\_2020-03-22\_2025 Johnson  
8 redacted, bates-stamped 20-387COT1501
- 9 98.(Extraction\_1.1)(Clip\_1.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1910  
10 Williams redacted, bates-stamped 20-387COT1502
- 11 99.(Extraction\_1.1)(Clip\_2.1)\_AXON\_Body\_2\_Video\_2020-03-22\_1910  
12 Williams redacted, bates-stamped 20-387COT1503
- 13 100. (Extraction\_1.2)\_AXON\_Body\_2\_Video\_2020-03-22\_1851 Gast  
14 redacted, bates-stamped 20-387COT1504
- 15 101. Sonora Behavioral Health Response to Subpoena (bates-stamped 20-  
16 387COT - 20-387COT3699)
- 17 102. Certified copy of Tucson City Court File for Citation 21220489 (bates-  
18 stamped 20-387COT3700 – 20-387COT3717)
- 19 103. Certified copy of Tucson City Court File for Citation 21234967 (bates-  
20 stamped 20-387COT3718 – 20-387COT3731)
- 21 104. Certified copy of Tucson City Court File for Citation 21739406 (bates-  
22 stamped 20-387COT3732 – 20-387COT3735)
- 23 105. Certified copies of Cochise County Superior Court Case CR201200657  
24 (bates-stamped 20-387COT4207 – 20-387COT4234)
- 25 106. Certified copies of Cochise County Superior Court Case CR201200523  
26 documents (bates-stamped 20-387COT4235 – 20-387COT4260)
- 27  
28

107. Certified copies of Cochise County Superior Court Case CR2008000659 documents (bates-stamped 20-387COT4261- 20-387COT4278)
108. Certified copies of United States District Court Case 4:09-mj-01667 documents (bates-stamped 20-387COT4279 – 20-387COT4284)
109. Pima County Board of Supervisors Ordinance 2021-13 regarding Pima County Medical Examiner fees (bates-stamped 20-387COT3736 – 20-387COT3738)
110. CR20171110 PCN Activity Report Certified (bates-stamped 20-387COT2957 – 20-387COT2958)
111. CR20171110 Commitment Order Certified (bates-stamped 20-387COT2959 – 20-387COT2960)
112. CR20171110 Sentencing Minute Entry Certified (bates-stamped 20-387COT2961 – 20-387COT2965)
113. CR20171110 Indictment (bates-stamped 20-387COT2966)
114. CR20171110 Plea Agreement (bates-stamped 20-387COT2967 – 20-387COT2971)
115. CR20171110 Presentence Report (bates-stamped 20-387COT2972 – 20-387COT2978)
116. Cochise County Sheriff's Office Report for Incident 11-00987 (bates-stamped 20-387COT3386 – 20-387COT3388)
117. Cochise County Sheriff's Office Report for Incident 12-09445 (bates-stamped 20-387COT3389 – 20-387COT3391)
118. Cochise County Sheriff's Office Report for Incident 12-14233 (bates-stamped 20-387COT3392 – 20-387COT3394)
119. Cochise County Sheriff's Office Report for Incident 12-14574 (bates-stamped 20-387COT3395 – 20-387COT3397,

120. Tucson Police Department Case No. 1702280075 Chain of Custody  
(bates-stamped 20-387COT3398 - 20-387COT3399)
121. Tucson Police Department Case No. 1702280069 Chain of Custody  
(bates-stamped 20-387COT3400 - 20-387COT3401)
122. Tucson Police Department Case No. 1912300103 Chain of Custody  
(bates-stamped 20-387COT3402 - 20-387COT3404)
123. Tucson Police Department Case No. E162800222 1610060138 Event  
Chronology (bates-stamped 20-387COT3405 - 20-387COT3407, sent via  
OneDrive Link)
124. Tucson Police Department Case No. E170590058 1702280069 Event  
Chronology (bates-stamped 20-387COT3408 - 20-387COT3413)
125. Tucson Police Department Case No. E170590079 1702280075 Event  
Chronology (bates-stamped 20-387COT3414)
126. Tucson Police Department Case No. E193551208 1912210244 Event  
Chronology (bates-stamped 20-387COT3415 - 20-387COT3418)
127. Tucson Police Department Case No. E193640422\_1912300103 Event  
Chronology (bates-stamped 20-387COT3419 - 20-387COT3422)
128. Tucson Police Department Case No. 1702280069 Evidence Sheet  
(bates-stamped 20-387COT3423)
129. Tucson Police Department Case No. 1702280075 Evidence Sheet  
(bates-stamped 20-387COT3424)
130. Tucson Police Department Case No. 1912300103 Evidence Sheet  
(bates-stamped 20-387COT3425)
131. Tucson Police Department Case No. E162800222 1610060138  
Individual Unit History (bates-stamped 20-387COT3426 - 20-  
387COT3458)

132. Tucson Police Department Case No. E170590058 1702280069 Individual Unit History (bates-stamped 20-387COT3459 - 20-387COT3473)
133. Tucson Police Department Case No. E170590079 1702280075 Individual Unit History (bates-stamped 20-387COT3474)
134. Tucson Police Department Case No. E193551208 1912210244 Individual Unit History (bates-stamped 20-387COT3475 - 20-387COT3478)
135. Tucson Police Department Case No. E193640422 1912300103 Individual Unit History (bates-stamped 20-387COT3479 - 20-387COT3481)
136. Tucson Police Department Case No. E162800222 1610060138 Unit History (bates-stamped 20-387COT3482 - 20-387COT3483)
137. Tucson Police Department Case No. E170590058 1702280069 Unit History (bates-stamped 20-387COT3484 - 20-387COT3489)
138. Tucson Police Department Case No. E170590079 1702280075 Unit History (bates-stamped 20-387COT3490)
139. Tucson Police Department Case No. E193551208 1912210244 Unit History (bates-stamped 20-387COT3491 - 20-387COT3492)
140. Tucson Police Department Case No. E193640422 1912300103 Unit History (bates-stamped 20-387COT3493 - 20-387COT3494)
141. Tucson Police Department Case No. 1610060138 Official Report (bates-stamped 20-387COT3495 - 20-387COT3513)
142. Tucson Police Department Case No. 1702280069 Official Report (bates-stamped 20-387COT3514 - 20-387COT3540)
143. Tucson Police Department Case No. 1702280075 Official Report (bates-stamped 20-387COT3541 - 20-387COT3574)

- 1 144. Tucson Police Department Case No. 1912210244 Official Report  
2 (bates-stamped 20-387COT3575 - 20-387COT3584)
- 3 145. Tucson Police Department Case No. 1912300103 Official Report  
4 (bates-stamped 20-387COT3585 - 20-387COT3600)
- 5 146. Tucson Police Department Case No. 1610060138 Photographs (bates-  
6 stamped 20-387COT3601 - 20-387COT3622)
- 7 147. Tucson Police Department Case No. 1702280075 Photographs (bates-  
8 stamped 20-387COT3623 - 20-387COT3652)
- 9 148. Tucson Police Department Case No. 1912210244 Photographs (bates-  
10 stamped 20-387COT3653 - 20-387COT3683)
- 11 149. Tucson Police Department Case No. 1912300103 Photographs (bates-  
12 stamped 20-387COT3684 - 20-387COT3697)
- 13 150. Ryan Ake's SALETC and Post-Basic Class Syllabus/Training,  
14 SALETC/Post Basic Daily Sign In Sheets, and Training/Course  
15 Transcripts (bates-stamped 20-387COT4409 – 20-387COT4464)
- 16 151. Sean Yeandle's SALETC and Post-Basic Class Syllabus/Training,  
17 SALETC/Post Basic Daily Sign In Sheets, and Training/Course  
18 Transcripts (bates-stamped 20-387COT4465 – 20-387COT4520)
- 19 152. Nicolo Solarino's SALETC and Post-Basic Class Syllabus/Training,  
20 SALETC/Post Basic Daily Sign In Sheets, Training/Course Transcripts,  
21 Taser Recertification Training History, and Training Summary (bates-  
22 stamped 20-387COT4521 – 20-387COT4563)
- 23 153. Francisco Santa Maria's SALETC and Post-Basic Class  
24 Syllabus/Training and Training/Course Transcripts (bates-stamped 20-  
25 387COT4564 – 20-387COT4595)
- 26 154. Joseph Gradias's SALETC and Post-Basic Class Syllabus/Training and  
27 Training/Course Transcripts (bates-stamped 20-387COT4596 – 20-  
28 387COT4623)

155. Henry (Mike) Gamez's SALETC and Post-Basic Class Syllabus/Training and Training/Course Transcripts (bates-stamped 20-387COT4624 – 20-387COT4653)
156. COT HR File Solarino, Nicolo redacted, bates-stamped 20-387COT1505-1556
157. TPD Personnel File Solarino redacted, bates-stamped 20-387COT1557-1580
158. COT HR File Santa Maria, Francisco redacted, bates-stamped 20-387COT1581-1634
159. TPD Personnel File Santa Maria 51935 redacted, bates-stamped 20-387COT1635-1673
160. COT HR File Durazo, Marco redacted, bates-stamped 20-387COT1674-1714
161. TPD Personnel File Durazo 103297 redacted, bates-stamped 20-387COT1715-1729
162. COT HR File Gamez, Henry redacted, bates-stamped 20-387COT1730-1808
163. TPD Personnel File Gamez 49543 redacted, bates-stamped 20-387COT1809-1873
164. COT HR File Yeandle, Sean redacted, bates-stamped 20-387COT1874-1917
165. TPD Personnel File Yeandle 101978 redacted, bates-stamped 20-387COT1918-1932
166. COT HR File Vance, Donovan, redacted, bates-stamped 20-387COT1933-1992
167. TPD Personnel File Vance 103829 redacted, bates-stamped 20-387COT1993-2008



168. COT HR File Ake, Ryan redacted, bates-stamped 20-387COT2009-2044
169. TPD Personnel File Ake 101973 redacted, bates-stamped 20-387COT2045-2071
170. COT HR File Gradias, Joseph redacted, bates-stamped 20-387COT2072-2116
171. TPD Personnel File Gradias 53657 redacted, bates-stamped 20-387COT2117-2150
172. COT HR File Evans, Eric redacted, bates-stamped 20-387COT2151-2209
173. TPD Personnel File Evans 45656 redacted, bates-stamped 20-387COT2210-2293
174. OPS Administrative Documents redacted, bates-stamped 20-387COT2294-2379
175. OPS Summary, bates-stamped 20-387COT2380-2405
176. OPS Personnel Reports, bates-stamped 20-387COT2406-2443
177. OPS Coc Personnel Reports, bates-stamped 20-387COT2444-2450
178. OPS Discipline Documents, bates-stamped 20-387COT2451-2480
179. Arizona Peace Officer Standards and Training Board, 585 – Hour Basic Curriculum, Model Lesson Plan, Managing In-Custody Death 8.5.5, June 2014, bates-stamped 20-387COT2481 – 20-387COT2490
180. Tucson Police Department Excited Delirium Response Protocol, bates-stamped 20-387COT2491
181. Tucson Police Department Office of Internal Affairs File, 12-0411, regarding Delbert Germany, bates-stamped 20-387COT2492 – 20-387COT2755
182. Zoll PM Worksheets and Preventive Maintenance (PM) Reports 2019, bates-stamped 20-387COT2756 – 20-387COT2840

- 1 183. Zoll PM Worksheets and Preventive Maintenance (PM) Reports 2018,  
2 bates-stamped 20-387COT2841 – 20-387COT2922
- 3 184. Zoll Performance Summary 03/22/2020, bates-stamped 20-  
4 387COT2923 – 20-387COT2924
- 5 185. Tucson Police Department Managing In-Custody Death PowerPoint  
6 2020 by Officer Abel Urzua, bates-stamped 20-387COT2925 – 20-  
7 387COT2951
- 8 186. Spit sock invoice and information, bates-stamped 20-387COT2952 –  
9 20-387COT2956
- 10 187. CR20171110 PCN Activity Report Certified, bates-stamped 20-  
11 387COT2957 – 20-387COT2958
- 12 188. CR20171110 Commitment Order Certified, bates-stamped 20-  
13 387COT2959 – 20-387COT2960
- 14 189. CR20171110 Sentencing Minute Entry Certified, bates-stamped 20-  
15 387COT2961 – 20-387COT2965
- 16 190. CR20171110 Indictment, bates-stamped 20-387COT2966
- 17 191. CR20171110 Plea Agreement, bates-stamped 20-387COT2967 – 20-  
18 387COT2971
- 19 192. CR20171110 Presentence Report, bates-stamped 20-387COT2972 –  
20 20-387COT2978
- 21 193. Tucson Police Department General Orders 2000 Use of Force Revised  
22 February 27, 2018; October 27, 2016; September 1, 2017; September 20,  
23 2017, bates-stamped 20-387COT2979 - 20-387COT3043
- 24 194. 2700 Special Circumstances Revised March 15, 2018, bates-stamped  
25 20-387COT3044 - 20-387COT3058
- 26 195. 2700 Investigative Protocols Revised December 21, 2009, bates-  
27 stamped 20-387COT3059 - 20-387COT3090  
28

196. 3700 Specialized Department Equipment Revised September 19, 2019, bates-stamped 20-387COT3091 - 20-387COT3125
197. Pima County Medical Examiner Autopsy Photographs, bates-stamped 20-387COT3126 - 20-387COT3204
198. Pima County Medical Examiner X-Rays, bates-stamped 20-387COT3205
199. Pima County Medical Examiner Autopsy Report, bates-stamped 20-387COT3206 - 20-387COT3385
200. Cochise County Sheriff's Office Report for Incident 11-00987, bates-stamped 20-387COT3386 – 20-387COT3388
201. Cochise County Sheriff's Office Report for Incident 12-09445, bates-stamped 20-387COT3389 – 20-387COT3391
202. Cochise County Sheriff's Office Report for Incident 12-14233, bates-stamped 20-387COT3392 – 20-387COT3394
203. Cochise County Sheriff's Office Report for Incident 12-14574, bates-stamped 20-387COT3395 – 20-387COT3397
204. Tucson Police Department Case No. 1702280075 Chain of Custody, bates-stamped 20-387COT3398 - 20-387COT3399
205. Tucson Police Department Case No. 1702280069 Chain of Custody, bates-stamped 20-387COT3400 - 20-387COT3401
206. Tucson Police Department Case No. 1912300103 Chain of Custody, bates-stamped 20-387COT3402 - 20-387COT3404
207. Tucson Police Department Case No. E162800222 1610060138 Event Chronology (bates-stamped 20-387COT3405 - 20-387COT3407
208. Tucson Police Department Case No. E170590058 1702280069 Event Chronology, bates-stamped 20-387COT3408 - 20-387COT3413
209. Tucson Police Department Case No. E170590079 1702280075 Event Chronology, bates-stamped 20-387COT3414

210. Tucson Police Department Case No. E193551208 1912210244 Event Chronology, bates-stamped 20-387COT3415 - 20-387COT3418
211. Tucson Police Department Case No. E193640422\_1912300103 Event Chronology, bates-stamped 20-387COT3419 - 20-387COT3422
212. Tucson Police Department Case No. 1702280069 Evidence Sheet, bates-stamped 20-387COT3423
213. Tucson Police Department Case No. 1702280075 Evidence Sheet, bates-stamped 20-387COT3424
214. Tucson Police Department Case No. 1912300103 Evidence Sheet, bates-stamped 20-387COT3425
215. Tucson Police Department Case No. E162800222 1610060138 Individual Unit History, bates-stamped 20-387COT3426 - 20-387COT3458
216. Tucson Police Department Case No. E170590058 1702280069 Individual Unit History, bates-stamped 20-387COT3459 - 20-387COT3473
217. Tucson Police Department Case No. E170590079 1702280075 Individual Unit History, bates-stamped 20-387COT3474
218. Tucson Police Department Case No. E193551208 1912210244 Individual Unit History, bates-stamped 20-387COT3475 - 20-387COT3478
219. Tucson Police Department Case No. E193640422 1912300103 Individual Unit History, bates-stamped 20-387COT3479 - 20-387COT3481
220. Tucson Police Department Case No. E162800222 1610060138 Unit History, bates-stamped 20-387COT3482 - 20-387COT3483
221. Tucson Police Department Case No. E170590058 1702280069 Unit History, bates-stamped 20-387COT3484 - 20-387COT3489

- 1 222. Tucson Police Department Case No. E170590079 1702280075 Unit  
2 History, bates-stamped 20-387COT3490
- 3 223. Tucson Police Department Case No. E193551208 1912210244 Unit  
4 History, bates-stamped 20-387COT3491 - 20-387COT3492
- 5 224. Tucson Police Department Case No. E193640422 1912300103 Unit  
6 History, bates-stamped 20-387COT3493 - 20-387COT3494
- 7 225. Tucson Police Department Case No. 1610060138 Official Report,  
8 bates-stamped 20-387COT3495 - 20-387COT3513
- 9 226. Tucson Police Department Case No. 1702280069 Official Report,  
10 bates-stamped 20-387COT3514 - 20-387COT3540
- 11 227. Tucson Police Department Case No. 1702280075 Official Report,  
12 bates-stamped 20-387COT3541 - 20-387COT3574
- 13 228. Tucson Police Department Case No. 1912210244 Official Report,  
14 bates-stamped 20-387COT3575 - 20-387COT3584
- 15 229. Tucson Police Department Case No. 1912300103 Official Report,  
16 bates-stamped 20-387COT3585 - 20-387COT3600
- 17 230. Tucson Police Department Case No. 1610060138 Photographs, bates-  
18 stamped 20-387COT3601 - 20-387COT3622
- 19 231. Tucson Police Department Case No. 1702280075 Photographs, bates-  
20 stamped 20-387COT3623 - 20-387COT3652
- 21 232. Tucson Police Department Case No. 1912210244 Photographs, bates-  
22 stamped 20-387COT3653 - 20-387COT3683
- 23 233. Tucson Police Department Case No. 1912300103 Photographs, bates-  
24 stamped 20-387COT3684 - 20-387COT3697
- 25 234. Intersection of Prince and Campbell Google Map, bates-stamped 20-  
26 387COT3698
- 27 235. Sonora Behavioral Health Response to Subpoena, bates-stamped 20-  
28 387COT3699

236. Certified copy of Tucson City Court File for Citation 21220489, bates-stamped 20-387COT3700 – 20-387COT3717
237. Certified copy of Tucson City Court File for Citation 21234967, bates-stamped 20-387COT3718 – 20-387COT3731
238. Certified copy of Tucson City Court File for Citation 21739406, bates-stamped 20-387COT3732 – 20-387COT3735
239. Pima County Board of Supervisors Ordinance 2021-13 regarding Pima County Medical Examiner fees, bates-stamped 20-387COT3736 – 20-387COT3738
240. Tucson Fire Department Manual of Operations Section 100, Organization, bates-stamped 20-387COT3739 – 20-387COT3798
241. Tucson Fire Department Administrative Manual, Rules of Conduct/Manual of Operations, Section 200, Personnel and Employee Services, bates-stamped 20-387COT3799 – 20-387COT3965
242. Tucson Fire Department Administrative Manual, Section 300, Safety and Wellness, bates-stamped 20-387COT3966 – 20-387COT4080
243. Tucson Fire Department Manual of Operations, Section 400, Facilities, Vehicles and Equipment, bates-stamped 20-387COT4081 – 20-387COT4144
244. Tucson Fire Department Administration Manual, Section 500, Training, bates-stamped 20-387COT4145 – 20-387COT4152
245. Tucson Fire Department Manual of Operations, Section 600, Medical Administration, bates-stamped 20-387COT4153 – 20-387COT4202
246. Tucson Fire Department Administrative Manual, Section 800, Communications, bates-stamped 20-387COT4203 – 20-387COT4205
247. Tucson Fire Department Manual of Operations, Section 900, Budget, Finance, and Billing, bates-stamped 20-387COT4206

- 1 248. Certified copies of Cochise County Superior Court Case
- 2 CR201200657, bates-stamped 20-387COT4207 – 20-387COT4234
- 3 249. Certified copies of Cochise County Superior Court Case CR201200523
- 4 documents, bates-stamped 20-387COT4235 – 20-387COT4260
- 5 250. Certified copies of Cochise County Superior Court Case
- 6 CR2008000659 documents, bates-stamped 20-387COT4261- 20-
- 7 387COT4278
- 8 251. Certified copies of United States District Court Case 4:09-mj-01667
- 9 documents, bates-stamped 20-387COT4279 – 20-387COT4284
- 10 252. JOHNSON,T-AXON\_Body\_2\_Video\_2020-03-22\_2226, bates-
- 11 stamped 20-387COT4285
- 12 253. Copy of Cochise County Superior Court Case CR201200523
- 13 documents UNCERTIFIED, bates-stamped 20-387COT4286 – 20-
- 14 387COT4311
- 15 254. Copy of Cochise County Superior Court Case CR201200657
- 16 documents UNCERTIFIED, bates-stamped 20-387COT4312 – 20-
- 17 387COT4338
- 18 255. Curriculum Vitae of Joshua B. Gaither, M.D., including publications,
- 19 bates-stamped 20-387COT4339 – 20-387COT4402
- 20 256. Curriculum Vitae of Jennifer Chen, M.D., including publications,
- 21 bates-stamped 20-387COT4403 – 20-387COT4404
- 22 257. Sample spit sock, bates-stamped 20-387COT4405
- 23 258. Damien Alvarado's BMW X5, Plate CRZ4628, VIN:
- 24 5UXFA53563LV83669, bates-stamped 20-387COT4406
- 25 259. TARP, bates-stamped 20-387COT4407
- 26 260. Transport hood, bates-stamped 20-387COT4408
- 27
- 28

261. Ryan Ake's SALETC and Post-Basic Class Syllabus/Training, SALETC/Post Basic Daily Sign In Sheets, and Training/Course Transcripts, bates-stamped 20-387COT4409 – 20-387COT4464
262. Sean Yeandle's SALETC and Post-Basic Class Syllabus/Training, SALETC/Post Basic Daily Sign In Sheets, and Training/Course Transcripts, bates-stamped 20-387COT4465 – 20-387COT4520
263. Nicolo Solarino's SALETC and Post-Basic Class Syllabus/Training, SALETC/Post Basic Daily Sign In Sheets, Training/Course Transcripts, Taser Recertification Training History, and Training Summary, bates-stamped 20-387COT4521 – 20-387COT4563
264. Francisco Santa Maria's SALETC and Post-Basic Class Syllabus/Training and Training/Course Transcripts, bates-stamped 20-387COT4564 – 20-387COT4595
265. Joseph Gradias's SALETC and Post-Basic Class Syllabus/Training and Training/Course Transcripts, bates-stamped 20-387COT4596 – 20-387COT4623
266. Henry (Mike) Gamez's SALETC and Post-Basic Class Syllabus/Training and Training/Course Transcripts, bates-stamped 20-387COT4624 – 20-387COT4653
267. Banner University Medical Center Medical Records, bates-stamped 20-387COT4654 – 20-387COT4939
268. Transcript of audio interview of Joseph Gradias, bates-stamped 20-387COT04940 – 20-387COT4959
269. Transcript of audio interview of Nicolo Solarino, bates-stamped 20-387COT4960 - 20-387COT4995
270. Transcript of audio interview of Ryan Ake, bates-stamped 20-387COT4996 – 20-387COT5019



271. Transcript of audio interview of Mike Gamez, bates-stamped 20-387COT5020 – 20-387COT5051

272. Transcript of audio interview of Sean Yeandle, bates-stamped 20-387COT5052 – 20-387COT5072

273. Curriculum Vitae/Resume of Rico Acevedo, bates-stamped 20-387COT5073 – 20-387COT5074

274. Tucson Police Department Pulse Graph Taser Record for Officer Solarino, bates-stamped 20-387COT5075

275. Defendants may also use a compilation of the BWC videos listed above, a copy of which will be provided to Plaintiff prior to trial.

## **X. LIST OF DEPOSITIONS**

Portions of depositions that will be read at trial must be listed by the party intending to introduce the same and must include the page and line numbers. A statement of either UNCONTESTED or CONTESTED shall follow every identified portion of each listed deposition. If contested, a brief statement of the objection by the opposing party shall follow the listed portion of the deposition to be offered.

Each party hereby acknowledges by signing this joint Proposed Final Pretrial Order that any deposition not listed as provided herein will not be permitted at trial absent good cause.

## **XI. JURY TRIAL or BENCH TRIAL**

### **A. For a Jury Trial**

Trial briefs (only upon request of the Court), proposed voir dire, deposition testimony, objections to exhibits and depositions, stipulations, interrogatories to the jury, and stipulated jury instructions shall be filed thirty (30) days prior to trial unless otherwise directed by the Court. Jury instructions which are not agreed upon, together with a concise argument in support of the instruction, shall be filed with the Court and served upon each party at least (30) days before trial. Objections to the non-agreed upon jury instructions shall be filed with the Court and served upon each party

(14) days thereafter. No replies shall be permitted without prior approval from the Court. All proposed jury instructions shall conform with Local Rule 51. Motions in limine shall be filed and served (14) days thereafter. No replies shall be permitted without prior approval from the Court.

**B. For a Bench Trial**

Trial briefs (only upon request of the Court), objections to exhibits, objections to deposition testimony, motions in limine, and stipulations shall be filed and serve at least (30) days prior to trial. Proposed findings of facts and conclusions of law (only upon request of the Court) shall be filed (14) days prior to trial, or as otherwise directed by the Court.

**C. PROBABLE LENGTH OF TRIAL**

**Each party shall identify the estimated length of time it will take to present its case.**

Plaintiff: Plaintiff agrees with Defendants that the parties will need a total of 8-10 days for trial. Plaintiff estimates needing approximately 3-4 days to present her case. This includes Plaintiff's presentation of percipient fact witnesses who were on scene on the day of death, medical testimony of those who performed the autopsy, and damages witnesses.

Defendants: Defendants propose that the parties will need a total of 8-10 days for trial depending on the Court's rulings on motions in *limine*. Defendants intend to cross-examine City employees that are called in Plaintiff's case-in-chief, and do not plan to recall said witnesses unless some unforeseen circumstances arise during trial. This will streamline the presentation of evidence and will likely result in Defendants needing only 2-3 days to present its case beyond the evidence elicited during Plaintiff's case-in-chief. Plaintiff only listed damage witnesses herein, so as of the filing of this pleading, Defendants are unsure who Plaintiff will be calling to establish his prima facie case against the five (5) remaining individually named Defendants.

**D. ADDITIONAL INFORMATION THAT MAY BE HELPFUL TO THE COURT**

**A. Pending Motions: Identify all motions that remain pending on the docket as of the date of this Joint Proposed Pretrial Order.**

No currently pending motions, but both Defendants and Plaintiff intend to file motions *in limine* seeking pretrial evidentiary rulings within two weeks of filing this proposed Joint Pretrial Order.

**B. Any other information that may be helpful to the Court.**

Defendants contend that Plaintiff lacks evidence to prove causation, a necessary element to establish the claims alleged against each individually named defendant. This Court has already noted this issue when it ruled on the Defendants' motion for summary judgment. (*See* Doc. 131 at 31-32, fn. 14 and fn. 15.) Defendants intend to file a written Rule 50(a) motion, after Plaintiff presents her case-in-chief, seeking judgment as a matter of law based on this issue. Also, depending on the evidence presented during Plaintiff's case-in-chief, Defendants will reassert that they are entitled to qualified immunity protection and seek judgment as a matter of law for this reason too in their Rule 50(a) motion.

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**CERTIFICATION**

Undersigned counsel for each of the parties in this actions do hereby approve and certify:

1. All discovery has been completed.
2. The identity of each witness has been disclosed to opposing counsel.
3. Each exhibit listed herein: (a) is in existence; (b) is numbered; and (c) has been disclosed and shown to opposing counsel.
4. All other form and content of this proposed Joint Pretrial Order.

DATED: September 9, 2025.

DATED: September 9, 2025.

CITY ATTORNEY

By /s/ Michelle R. Saavedra

Michelle R. Saavedra

Principal Assistant City Attorney

LAW OFFICE OF PAUL GATTONE

By /s/ Paul Gattone w/permission

Paul Gattone

Attorney for Plaintiff

CITY ATTORNEY

By /s/ Tiffiney D. Franks

Tiffiney D. Franks

Principal Assistant City Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Paul Gattone  
Law Office of Paul Gattone  
301 South Convent  
Tucson, Arizona 85701  
[gattonecivilrightslaw@gmail.com](mailto:gattonecivilrightslaw@gmail.com)  
*Attorney for Plaintiff*

By M.Piper/rw